

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Alexander T. Chenvainu et al.	Art Unit	: 3732
Serial No.	: 10/666,497	Examiner	: Laura Cole Guidotti
Filed	: September 19, 2003	Conf. No.	: 9179
Title	: TOOTHBRUSHES		

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF FEBRUARY 5, 2009

In reply to the Office Action of February 5, 2009, Applicant submits the following remarks.

Claims 35, 37-39, 41-43, 45, 46, 48, and 49 stand rejected as being allegedly unpatentable over McDougall, GB Patent 2,371,217 ("McDougall"), in view of Braun et al., WO 02/38004 ("Braun") and in view of Bigler et al., WO 94/03125 ("Bigler"), in further view of Kressner et al., US 6,021,538 ("Kressner"). This rejection is improper because a person having ordinary skill in the art at the time of invention would not have had any reason to combine the features disclosed by McDougall, Braun, Bigler, and Kressner in such a way as to arrive at the claimed invention. Moreover, the rejection is improper because the references, in combination, fail to disclose all of the claimed elements. Accordingly, the rejection is improper and must be withdrawn.

McDougall discloses an electrically driven toothbrush having a generally circular brush or bristle holder 13 that carries "a number of bristles 19 interspaced with arcuate membranes 23," as shown in Fig. 5 of McDougall, reproduced below. McDougall, Abstract & page 3, lines 23-24. McDougall states that "[e]ach membrane [23] is generally semi-circular in cross-section and partially surrounds a respective bristle mounted adjacent the periphery of the brush holder." McDougall, page 5, lines 24-27. McDougall states that due to the "configuration, the membranes are inherently unlikely to become clogged up with toothpaste or debris removed from the teeth." McDougall, page 6, lines 1-3.